

MAINE STATE LEGISLATURE

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May 5, 1964 *mo*

E.L.Newdick, Commissioner, - Chairman

Seed Potato Board

George C. West, Deputy

Attorney General

Seed Potato Board Storage House

FACTS:

The State, through the Seed Potato Board, owns a potato house at Masardis. This building was erected in 1948. It is in need of repairs or replacement. The Board does not have sufficient funds to build a new potato house.

QUESTION:

What rights do the Seed Potato Board have to borrow money or to pledge the credit of the farm to build a house?

ANSWER:

See opinion for answer.

OPINION:

The present potato house belongs to the State of Maine. It, therefore, cannot be pledged or mortgaged to build a new one. Such an action would be pledging the credit of the State of Maine.

The Seed Potato Board cannot borrow money to build a new potato house as this would be pledging the credit of the State. Note that R.S. 1954, c. 32, § 146 provides:

"A seed potato board, as heretofore established in the department of agriculture, shall consist of 7 members." (Emphasis supplied)

The Board is, therefore, set up within the Department of Agriculture. It does have its own funds set up by a loan on a revolving fund basis. Nevertheless, it is bound to general provisions of the law relative to building. Thus, the Board must operate within the provisions of chapter 15-A, § 24 - 33 in erecting building. See opinion dated April 28, 1948, in the same vein.

E. L. Newdick, Commissioner

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May 5, 1964

It is not a function of this office to advise as to means or methods by which departments or boards may obtain money to accomplish its objectives. We can only say that probably the only way is to ask for funds from the legislature.

George C. West
Deputy Attorney General

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